



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 24, 1998

Ms. Judith Hunter
Paralegal
City of Georgetown
P.O. Box 409
Georgetown, Texas 78627-0409

OR98-2291

Dear Ms. Hunter:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 118371.

The City of Georgetown (the "city") received a request for arrest reports and an offense report. You assert that the arrest report concerning the arrest of a juvenile and the offense report, which concerns conduct by a juvenile, are excepted from disclosure pursuant to section 552.101 of the Government Code, in conjunction with section 58.007 of the Family Code. You assert that the other arrest report, which details the arrest of an adult, is excepted from disclosure under section 552.108 of the Government Code.

Section 552.101 excepts from required public disclosure information that is made confidential by law, including information made confidential by statute. Section 58.007(c) of the Family Code reads in pertinent part as follows:

Except as provided by Subsection (d), law enforcement records and files concerning a child may not be disclosed to the public

Subsection (d), which concerns the transfer of records in certain circumstances, is apparently inapplicable here. We agree that section 58.007 makes confidential the offense report, which concerns a child's conduct, and the arrest report that concerns the arrest of the child. *See also* Fam. Code § 51.02(2) (defining "child"). Accordingly, the department must withhold these documents from disclosure.

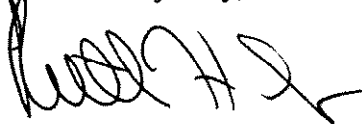
The other report at issue concerns an adult who was arrested. You assert that this arrest report is excepted from disclosure under section 552.108, but we note initially that section 552.108(c) provides that "basic information about an arrested person, an arrest, or a crime" may not be withheld from disclosure under section 552.108. Basic information is

the type of information that is generally included on the front page of an offense and arrest report.. *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177, 186-87 (Tex. Civ. App.--Houston [15th Dist.] 1975), *writ ref'd n.r.e. per curiam*, S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976). Basic or front page arrest report information includes, among other things, the name, race, sex, age, and occupation of an arrestee, the offense for which the individual was arrested, date, time, and location of the crime, names of arresting officers, and booking and bonding information.

Section 552.108(a)(1) provides an exception from disclosure for information, other than front page information, that is held by a law enforcement agency or prosecutor and that deals with the detection, investigation, or prosecution of crime, when release of such information would interfere with the detection, investigation, or prosecution of crime. You state that the matter for which this individual was arrested has been referred to the Williamson County Attorney's office for further investigation and possible prosecution. Since there is an ongoing investigation and pending prosecution, we agree that you have shown that release of the arrest report, other than the front page portion, would interfere with the investigation or prosecution of crime. Open Records Decision No. 216 at 3 (1978) (release of information during pending criminal case would interfere with prosecution of crime and law enforcement interests).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref: ID# 118371

Enclosures: Submitted documents

cc: Ms. Julie Stock
1401 Troy Lane
Round Rock, Texas 78664
(w/o enclosures)